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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/823,823	03/25/97	TAUGHER	L 10970451-1

IP ADMINISTRATION  
LEGAL DEPARTMENT 20BN  
HEWLETT-PACKARD COMPANY  
P O BOX 10301  
PALO ALTO CA 94303-0890

LM51/1206

EXAMINER

NEYZARI, A

ART UNIT PAPER NUMBER

2752

DATE MAILED: 12/06/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**08/823,823**

Applicant

**Taughner**

Examiner

**ALI NEYZARI**

Group Art Unit

**2752**



☒ Responsive to communication(s) filed on Nov 12, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-11 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-11 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 16

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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**Part III DETAILED ACTION**

***Continued Prosecution Application***

The request filed on 11-12-99 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 08/823,823 is acceptable and a CPA has been established. An action on the CPA follows.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, line 3, the phrase "capable of" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

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***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over prior art disclosed in the specification in view of Parker and Starrett..

In page 1-4 of the specification applicant admits that write protection in rewritable disks are well known in the art. Applicant also admits that power calibration area are used in optical disks for calibrating laser power, since laser writing must be calibrated for each disk. This is a conventional method which also is disclosed by Kuroda et al as prior art (supporting document). Page 82 of "CD Recordable Handbook" by "Parker and Starrett", cited by applicant also discuss the Program Memory Area (PMA) and Power Calibration Area (PCA) on CD-R disks.

To cover any an area of a subject in order to prevent an operation to take place in such area is a common practice and nothing new in the art. Therefore it is obvious when the power calibration area is covered by any means ( such as a ring, since this is a circular area) the laser power calibration becomes impossible, which this can affect the operation of the system such as preventing the disk from rewriting.

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Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to cover the calibration area of the prior art disk in order to affect the operation of the system, operation such as rewriting in the disk.

***Response to Arguments***

Applicant's arguments filed 11-12-99 have been fully considered but they are not persuasive.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **ALI NEYZARI** whose telephone number is **703-308-4906**. The examiner can normally be reached on **MONDAY-THURSDAY** from **7:00 AM** to **5:30 PM**.

The fax phone number for this Art Unit is **703-305-9731**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is **703-305-3800**.

*Ali Neyzari*  
*Primary Patent Examiner*  
*Art Unit 2752*  
*11-30-1999*

  
**ALI NEYZARI**  
**PRIMARY EXAMINER**